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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached letter dated 2 June 1994, which he has received from the Director General of the International Atomic Energy Agency (IAEA).

Annex

Letter dated 2 June 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

In my letter of 27 May 1994 (S/1994/631, annex), I explained, inter alia, that although a team of Agency officials had held extensive discussions with officials of the Democratic People's Republic of Korea in Pyongyang and Nyongbyon from 25 to 27 May, no agreement had been reached about how to proceed with implementation of the safeguard measures required during the fuel discharge operation at the five megawatt experimental nuclear power reactor. I also said that, if the discharge of fuel from the reactor were to continue at the same pace as it had proceeded until the time of my writing to you, the opportunity to select, segregate and secure fuel rods for later measurements in accordance with Agency standards would be lost within days.

I undertook in my letter to keep you informed about any further developments. Unfortunately, these developments have been negative.

You will recall that, on 30 May 1994, the President of the Security Council made a statement on behalf of the Council (S/PRST/1994/28), which said, inter alia, that "the Council strongly urges the Democratic People's Republic of Korea only to proceed with the discharge operations at the five megawatt reactor in a manner which preserves the technical possibility of fuel measurements, in accordance with IAEA's requirements in this regard" and that "the Council calls for immediate consultations between IAEA and the Democratic People's Republic of Korea on the necessary technical measures". Further to this statement, on 31 May 1994, the Agency sent a telex to the Democratic People's Republic of Korea saying that, at the very late stage that had been reached in the core discharge operation, the consultations called for by the Council could be carried out only by exchange of telex.

In this connection, the Agency made clear that, by the time of the telex, its ability to make future measurements of the discharged fuel with the degree of confidence necessary to assess the history of the reactor core had not only been seriously eroded but would already have been lost irretrievably should fuel channels important for future measurements have been discharged without adequate identification and segregation by the Agency. However, on the assumption that the discharge operation might still not have reached a stage that precluded the Agency's ability to make measurements with some confidence in the future, the Agency put forward three viable options. Any one of those options, if accepted by the Democratic People's Republic of Korea, could have prevented further erosion of the Agency's future ability to assess the history of the reactor core and could have ensured that such ability as still existed would have been preserved.

The options put forward were, firstly, for the Democratic People's Republic of Korea to enable the Agency to select, segregate and secure fuel rods in those fuel channels which it considered to be necessary for later measurements. The second option, it was stated, would be to implement a procedure proposed by the

Agency team in the Democratic People's Republic of Korea on 27 May. That proposal, to which I referred in my letter of 27 May, was one which, while obviating the direct selection of channels from the reactor core to which the Democratic People's Republic of Korea had objected, preserved the Agency's ability later to select rods in order to make measurements. A third option put forward, if the Democratic People's Republic of Korea were not to agree to either of the first two, was for the Democratic People's Republic of Korea to decide to suspend the remaining part of the core discharge until such time as agreement was reached with IAEA on the safeguard measures to be implemented.

The IAEA telex also conveyed to the Democratic People's Republic of Korea the Agency's conclusion that there were no technical or safety-related reasons against acceptance of any one of the three options identified. It pointed out also that the "political constraints" frequently invoked by the Democratic People's Republic of Korea as reasons for not allowing the selection, segregation and securing of fuel rods were self-imposed. As for the proposal that the Democratic People's Republic of Korea put forward to the Agency team in Pyongyang with the purported aim of preserving the Agency's possibility to make later measurements of fuel rods, the Agency's telex explained that this proposal - also circulated for information to members of the Security Council (see S/1994/631, annex) - was not viable. This was because the method proposed by the Democratic People's Republic of Korea would not, in the future, enable the Agency independently to identify the position the rods had had in the reactor. Without such identification, future measurements would be meaningless and would therefore not enable the Agency to verify the history of the reactor core with any degree of confidence. In other words, the method proposed by the Democratic People's Republic of Korea would not permit the Agency to ascertain whether nuclear material from the reactor had been diverted in past years.

In view of the urgency of the situation, the Agency's telex requested an immediate reply. However, as at 2 June and the time of writing the present letter, no response from the Democratic People's Republic of Korea has been received.

The Agency inspectors still in the Democratic People's Republic of Korea to complete their assignment and pursuant to the statement of the President of the Security Council of 30 May have today reported to the Agency about the current state of the discharge operation. On the basis of this information, the Agency has concluded that the limited opportunity that had remained for it to select, segregate and secure fuel rods for later measurements in accordance with Agency standards has been lost. This is because all important parts of the core that were needed for that selection have been discharged. Accordingly, the Agency's ability to ascertain, with sufficient confidence, whether nuclear material from the reactor had been diverted in the past has also been lost. Any future measurements of that fuel would have no practical value because they would have to be based on operators' records, which are unverifiable, and also because it would not be possible to reconstruct the configuration of fuel rods in the core.

As you will recall (A/48/133-S/25556, appendix, of 12 April 1993), analysis of samples obtained by IAEA during inspections in the Democratic People's Republic of Korea in 1992 showed inconsistencies between the declaration by the Democratic People's Republic of Korea of its nuclear material subject to

safeguards and the Agency's findings, suggesting that more plutonium had been produced in the Republic - whether in grams or kilograms - than had been declared to the Agency.

Because of that, access to additional information and locations in the Democratic People's Republic of Korea under the special inspection procedure, provided for in the Democratic People's Republic of Korea safeguard agreement, and verification of the core of the experimental power reactor to assess whether any spent fuel rods could have been reprocessed were vital. These measures were required for the Agency to perform its obligations, under the safeguard agreement, to verify that all nuclear material in the Democratic People's Republic of Korea subject to safeguards is in fact under safeguards. Specifically, therefore, these measures were crucial to enable the Agency to ascertain whether all the plutonium produced in the Democratic People's Republic of Korea had been declared. The Agency's ability to do this has been seriously eroded because of the discharge of the core. The situation resulting from the core discharge is irreversible.

It follows that because of the refusal of the Democratic People's Republic of Korea to provide access to additional information and locations, specifically access to the two waste-related sites requested by the Agency since January 1993, and because of the discharge of the reactor core without the Agency's required verification measures, Agency implementation of safeguards in the Democratic People's Republic of Korea cannot achieve the overall objective of comprehensive safeguards in the Republic, namely, to provide assurance about the non-diversion of nuclear material.

For the Agency to be able to verify non-diversion in the Democratic People's Republic of Korea, it is essential for the Agency to have access to all safeguard-relevant information and locations. To achieve that, a paramount requirement is the full cooperation of the Democratic People's Republic of Korea.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) Hans BLIX